IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.312 OF 1999

Vasant Baburao Khardekar ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. Joshi i/b.Shri. S.S.Hardikar for the Applicant.
Shri. K.V. Saste A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 13, 2005.

P.C.:

1. This is a Revision Application filed by the original complainant at whose instance the State prosecuted the Respondent Nos.2 and 3 for the offences punishable under sections 498-A and 302 read with section 34 of the Indian Penal Code.

2. After perusal of the judgment of the learned Additional Sessions Judge and after hearing the learned Counsel appearing for the Applicant, I find no ground to entertain this Revision Application. There are two dying declarations of the deceased. The first dying declaration was recorded before the Executive Magistrate and the second dying declaration was recorded before the Special Judicial Magistrate.

3. The learned Judge found that F.I.R. was

recorded at the instance of the deceased and in the said F.I.R. she has not implicated any of the accused. The learned Judge found that the version in the two dying declarations was inconsistent. The learned Judge had also noted that the version of P.W.1 Vasant cannot be accepted and in fact a finding is recorded that the evidence of P.W.1 Vasant is false. These are the factors which are considered by the learned Additional Sessions Judge while passing the order of acquittal. No interference can be made with the order in the Revision Application. Application is rejected.

JUDGE